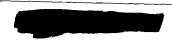
TTAB

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD



STERLING SOFTWARE, INC.

\$ Opposition No. 121,490
Opposer,

\$ Opposition No. 121,490

Opposer,

\$ Mark: COOL ICE

\$ Application No. 75/762,481

OPPOSER'S MOTION FOR ENTRY OF JUDGMENT UNDER 37 C.F.R. \$ 2.135

STERLING SOFTWARE, INC. (hereinafter, "Opposer") hereby moves for entry of judgment pursuant to 37 C.F.R. § 2.135.

Applicant has filed an express abandonment of the opposed application with the United States Patent and Trademark Office, attached hereto as Exhibit A, without the written consent of Opposer. Accordingly, pursuant to 37 C.F.R. § 2.135, judgment should be entered against Applicant.

Respectfully submitted this the

day of October, 2002,

Bv:

Priscilla L. Dunckel Baker Botts L.L.P.

2001 Ross Ave., Suite 600

Dallas, Texas 75201-2980

Tel. (214) 953-6500

Fax. (214) 661-4899

ATTORNEYS FOR OPPOSER STERLING SOFTWARE, INC.

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Opposer's Motion for Entry of Judgment, was served on the attorneys of record for Applicant via U.S Express Mail addressed to the following on this the \_\_\_\_\_ day of October, 2002:

Stephanie E. Thier, Esq. Unisys Corporation MS E8-114 P.O. Box 500 Blue Bell, Pennsylvania 19424

Valerie Verret

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 in an envelope addressed to:

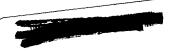
BOX TTAB NO FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on October 2022, 2002.

Name

Express Mail Cert. No.

### **EXHIBIT A**

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TRADEMARK EXAMINING DIVISION



10-02-2002 U.S. Patent & TMOfc/TM Mail Rept Dt. #77

In re application of: Unisys Corporation

Serial No.:

75/762,481

Filed on:

July 28, 1999

Mark:

COOL ICE

Assistant Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513

### WITHDRAWAL OF APPLICATION

To the Assistant Commissioner:

Pursuant to 37 C.F.R. § 2.68, Applicant expressly abandons this application. Note that this application is the subject of Opp. No. 91121490. § 2.135.

Dated: September 24, 2002

Respectfully submitted,

Stephanie E. Thier, Esq. Attorney for Applicant Unisys Corporation

MS E8-114 P.O. Box 500

Blue Bell, PA 19424 Tel: (215) 986-2955 Fax: (215) 986-3090

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 24, 2002, the foregoing Withdrawal of Application was served on Opposer by mailing a copy, first class postage prepaid, to Opposer's counsel of record addressed as follows:

Priscilla L. Dunckel Baker Botts L.L.P. 2001 Ross Avenue Dallas, Texas 75201-2980

Stephanie E. Thier